

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*  
State Engineer,

Plaintiff,  
v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM  
Section 7: Rito de Tierra Amarilla

Subfile No(s).

CHTA-003-0053

CHTA-004-0027B

CHTA-004-0028

**ORDER GRANTING DEFAULT JUDGMENT**

THIS MATTER is before the Court upon the motion by the plaintiff, State of New Mexico, *ex rel.*, State Engineer's February 1, 2007 Motion for Default Judgment (Docket No. 8543). The Court, being fully advised, finds that the State's motion is well-taken and should be GRANTED.

The Court, being fully advised, finds:

1. The Court has jurisdiction of the parties and the subject matter herein.
2. The defendants named below have been legally served with process or have waived service of summons.
3. The defendants named below have failed to appear, answer, or otherwise defend in this cause, and are adjudged to be in default.
4. The State Engineer's hydrographic survey and report of the Rio Chama Stream System, Section 7, Rito de Tierra Amarilla (January 12, 2001) relating to the defendants' water rights have been introduced into the record, and the same are hereby incorporated and made a part of this order.
5. The water rights of the defendants named below in the above-styled and captioned cause are as follows:

ESTATE OF MANUELITA U. ABEYTA

Subfile No.: CHTA-003-0053

A. IRRIGATION (Surface Water Only)

**Office of the State Engineer Files No(s)** None

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location: X=** 1,557,188 feet **Y=** 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	0.4 acres
Total	0.4 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-003-0053

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

HOPE U. MARTINEZ  
JUAN I. MARTINEZ

**Subfile No.: CHTA-004-0027B**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** 0430

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location: X=** 1,557,188 feet **Y=** 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	6.8 acres
Total	6.8 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHTA-004-0027B

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

TRACY T. HOWELL  
VIRGINIA MCDERMOTT

**Subfile No.: CHTA-004-0028**

**A. IRRIGATION (Surface Water Only)**

**Office of the State Engineer Files No(s)** 0430

**Priority:** Reserved for future determination by court order entered November 19, 2002.

**Source of Water:** Surface water of the Rito de Tierra Amarilla, a tributary of the Rio Chama.

**Purpose of Use:** IRRIGATION

**Point of Diversion:**

**Ditch:** TIERRA AMARILLA COMMUNITY DITCH

**Location: X=** 1,557,188 feet **Y=** 2,064,714 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

**Location and Amount of Irrigated Acreage:**

Within the Tierra Amarilla Grant	0.7 acres
Total	0.7 acres

As shown on the 2001 Hydrographic Survey Map CHTA- 4.

**Amount of Water:** Reserved for future determination by court order entered November 19, 2002.

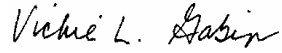
IT IS, THEREFORE, ORDERED that the above-named defendants be and hereby are, adjudicated to have the water rights set out hereinabove, subject to the right of any other water rights claimant with standing to object prior to the entry of a final decree.

IT IS FURTHER ORDERED that the defendants, his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.



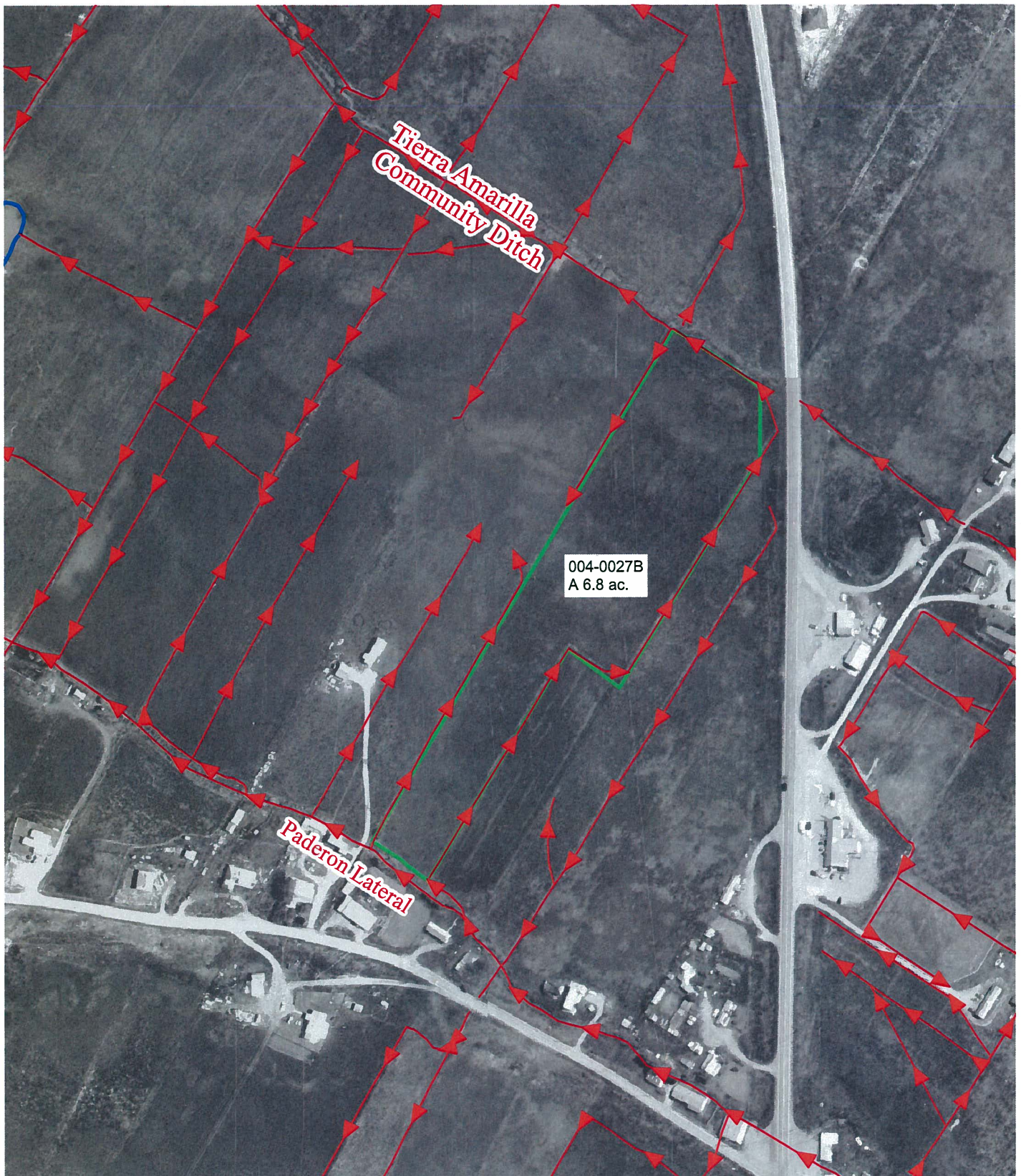
BRUCE D. BLACK  
UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER





#### LEGEND

- Irrigated Tract Boundary
- No Right Tract Boundary
- Seeped Area
- Operable Ditch
- Inoperable Ditch
- Stock Ponds / Reservoir
- Point of Diversion
- Fallow
- No Right



1 inch = 300 feet

0 50 100 200 300 Feet

STATE OF NEW MEXICO  
Office of the State Engineer  
John R. D'Antonio, Jr., P.E.,  
State Engineer

Rio Chama Hydrographic Survey  
Rito de Tierra Amarilla Section

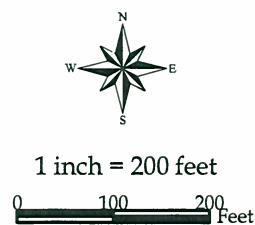
Subfile Number  
**CHTA- 004-0027B**  
Tierra Amarilla Community  
Ditch & Paderon Lateral off  
the Tierra Amarilla  
Community Ditch  
Amended Oct. 27, 2004







LEGEND	
	Irrigated Tract Boundary
	No Right Tract Boundary
	Seeped Area
	Operable Ditch
	Inoperable Ditch
	Stock Ponds / Reservoir
	Point of Diversion
	Fallow
	No Right



**STATE OF NEW MEXICO**  
**Office of the State Engineer,**  
**John R. D'Antonio, Jr., P.E.,**  
**State Engineer**

**Rio Chama Hydrographic Survey**  
**Rito de Tierra Amarilla Section**

Subfile Number  
**CHTA 003-0053**  
Paderon Lateral off the  
Tierra Amarilla Community  
Ditch  
**AMENDED**  
September 17, 2004

